IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17746 of 2006

DATED: 13.10.2006

Between:

N.Vani petitioner

And

The Depot Manager,
APSRTC, Gadwal Bus Depot,
Mahabubnagar dist and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 17746 OF 2006

ORAL ORDER:

In the present writ petition, the petitioner challenges the proceedings of the first respondent dated 27.5.2006 rejecting the request of the petitioner to supply certain documents relating to disciplinary enquiry against her deceased husband.

The husband of the petitioner, while working with the respondent corporation as Conductor, was issued with charge sheet dated 29.5.1997 alleging unauthorised absence. Later on he was removed from service on the ground of unautorised absence. Unfortunately, on 10.8.2005, the husband of petitioner died. After the death of her husband, the petitioner sought for certain documents with regard to the disciplinary proceedings which were initiated against her husband. Since, no action was taken by the concerned authorities, the petitioner got issued a legal notice on 11.1.2006 to supply the documents relating to removal of her husband. Thereafter, the first respondent issued impugned proceedings dated 27.5.2006 stating that the retirement benefits of the husband of petitioner were settled in the year 2003 and the documents relating to removal cannot be supplied to a person other than the concerned employee. Questioning the said order, the present writ petition is filed.

In the present writ petition, the petitioner only seeks furnishing of certain documents relating to removal of her deceased husband, and though the matter is adjourned twice, the learned Standing Counsel for respondent company is unable to obtain instructions in the matter.

Heard the learned counsel for petitioner and leaned standing counsel for respondent corporation. Both counsel agreed for disposal of the writ petition at the admission stage.

The request of the petitioner to furnish the documents relating to removal of her husband was rejected merely on the ground that the

deceased employee has given an undertaking that he will not prefer an appeal/revision and that his retirement benefits were settled in the year 2003. The documents relating to disciplinary proceedings are public documents and petitioner being a wife of the deceased employee, wants to pursue the legal remedies available to her against the removal order of her deceased husband. In such circumstances, the action of the respondents in refusing to furnish the required documents on trivial ground that the same cannot be supplied to others i.e., other than the employee concerned, after lapse of eight years, is unjust and unsustainable. The petitioner, being a wife of deceased employee, cannot be deprived of her right to pursue the legal remedies open to her under the law against the removal order of her husband-deceased employee.

Hence, the first respondent –Depot Manager is directed to furnish the required documents relating to disciplinary proceedings of her husband to the petitioner, within a period of four weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 13.10.2006

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